HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.1781 of 1998

Between

L.Venkateswara Rao ..Petitioner

AND

The A.P. State Electricity Board represented by its Secretary and others ..Respondents

:: JUDGMENT ::

25.4.2007

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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It is an unfortunate writ petition in which the former A.P. State Electricity Board had rejected to consider the candidature of the writ petitioner for recruitment to the post of Junior Accounts Officer for which applications have been invited through their notification published on 4.10.1994. While inviting the applications from eligible candidates for direct recruitment to 67 posts of Junior Accounts Officers, the educational qualifications prescribed are: 1) Pass in first division in M.Com / Post Graduate degree which is equivalent qualification recognized by any University in India established under Central Act or Provincial Act; or 2) B.Com first class from any University recognized by the Government of India; or 3) Pass in Intermediate examination of Chartered Accountancy. The writ petitioner appears to have passed the post graduate degree examination in Master of Business Administration (for short, 'M.B.A.') and having passed the same in first class, has submitted his application for recruitment as J.A.O. Though the writ petitioner has passed his M.Com., and B.Com degree examinations, since he did not pass the said examinations by obtaining first class pass marks, he did not place reliance upon such qualifications. Since the notification has pointed out that the requirement is pass in first class of M.Com post graduate degree examination or any other post graduate degree

considered equivalent, the writ petitioner had asserted that since he passed and obtained M.B.A. degree having passed the same in first division, he is entitled to be considered.

Unfortunately, the former A.P.S.E.B. had not considered the writ petitioner to be eligible for being considered and consequently did not permit him to appear for the written examination which was conducted on 7.12.1997. This writ petition came to be instituted on 24.12.1997, after the written test forming part of the selection process was completed.

The respondents have since filed their counter affidavit and contended that the M.B.A. post graduate degree qualification possessed by the writ petitioner is not treated as equivalent qualification to the pass in first division of M.Com post graduate degree, they did not treat or consider the writ petitioner as eligible for recruitment as Junior Accounts Officer and this is the reason why they did not permit him to participate in the selection process. Unfortunately, the question relating to equivalence of the qualifications particularly when they provide in an alternate fashion, is not a question, which allows any freedom or liberty for the respondents to speculate further thereon. The question as to whether a particular post graduate degree qualification awarded by any University or Institution established by or under the Central Act or Provincial Act or State Act, equivalent to yet another Post Graduate Course is not a matter upon which the respondents can dwell upon for sheer want of expertise and dexterity. It is for the reputed academic bodies such as Central Institutions or the Universities recognized by the University Grants Commission which can consider, compare, or deal with the academic component of

different courses and based upon various other relevant factors and circumstances, they can render an opinion about their equivalence with other related post graduate courses.

But however, Sri G.Vidya Sagar, learned counsel appearing for the respondents had pointed out that when this matter has been taken up with the Osmania University, Hyderabad, the University through their communication dated 3.4.2007 has informed that the post graduate degree of M.B.A. cannot be treated as equivalent to M.Com. The University has pointed out that in the course of study of the post graduate degree of M.Com, the students are required to study compulsorily two papers of Managerial Accounting and two papers of Finance. In this view of the matter, the learned counsel for the respondents would contend that the decision taken by the Electricity Board officials on their own even if be not right, since a reputed academic institution like that of the Osmania University has opined that the post graduate degree of M.B.A. cannot be treated as equivalent to that of the post graduate degree of M.Com and hence, the decision to treat the writ petitioner as not eligible for being subjected to the process of selection to the post of Junior Accounts Officer, is justified.

The learned counsel for the writ petitioner tried to justify his contention that the post graduate degree of M.B.A. is equivalent to that of the post graduate degree course OF M.Com. on various other grounds including the fact that the content of the course study of M.B.A. also involves five papers of higher accountancy and therefore, the same is liable to be treated and considered as an equivalent qualification with that of M.Com. The learned counsel also tried to justify that as part

of study of M.B.A., the students are required to study various other important and related branches of Accountancy and the Financial aspects which will be of immense use to any organization inasmuch as the higher element of professionalism can be expected from such men.

I am afraid that these questions cannot be decided by the High Court in exercise of its jurisdiction under Article 226 of the Constitution, inasmuch as these are all questions which can at best be addressed and decided only by the institutions of higher learning such as reputed professional institutions or recognized Universities. In matters of pure academics, the Courts do not have the specialized knowledge. I therefore refrain to enter into this unchartered terrain.

It is a fact that this writ petition itself has been instituted after the written test has been conducted for the post of Junior Accounts Officer and in these circumstances, I do not find any justification either to interdict the selections which have been accomplished nearly a decade back or to do anything which is likely to visit those selected candidates with adverse consequences, all the more so in their absence, or order the respondents to compensate the writ petitioner in any other manner. Therefore, I dismiss the writ petition, but however, without costs, hoping that the respondents do not repeat the error.

NOOTY RAMA MOHANA RAO.J.

25.4.2007
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